

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

104 SP -9 P 3:33

CIVIL ACTION NO. 04CV11865JLT

Sprint Spectrum L.P.,
Plaintiff

v.

City of Gloucester, City Council of the City of
Gloucester and Vito J. Calomo, Joseph A. Ciolino,
John Gus Foote, Dean W. Harrison, Abdullah A.
Khambaty, Sefatia A. Romeo, Edward St. Peter, Jr.,
Alphonse J. Swekla and Jeffrey T. Worthington, in
in their capacities as members of the City Council
of the City of Gloucester,
Defendants

ANSWER OF THE DEFENDANTS

The Defendants, the City of Gloucester, City Council of the City of Gloucester and Vito J. Calomo, Joseph A. Ciolino, John Gus Foote, Dean W. Harrison, Abdullah A. Khambaty, Sefatia A. Romeo, Edward St. Peter, Jr., Alphonse J. Swekla and Jeffrey T. Worthington, in their capacities as members of the City Council, hereby answer the above referenced complaint:

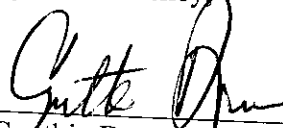
1. Defendants are without sufficient knowledge to admit or deny the allegation and call upon Plaintiff to prove the same.
2. Defendants admit the allegation.
3. Defendants admit the allegation.
4. Defendants admit the allegation with the assumption that the Plaintiff is referring to Councilor Jeffrey T. Worthley as there is no City Councilor for the City of Gloucester named Worthington.
5. Defendants admit the allegation.
6. Defendants admit the allegation.
7. Defendants admit the allegation.

8. Defendants are without sufficient knowledge to admit or deny the allegation and call upon Plaintiff to prove the same.
9. Defendants are without sufficient knowledge to admit or deny the allegation and call upon Plaintiff to prove the same.
10. Defendants are without sufficient knowledge to admit or deny the allegation and call upon Plaintiff to prove the same.
11. Defendants are without sufficient knowledge to admit or deny the allegation and call upon Plaintiff to prove the same.
12. Defendants deny the allegation. The Plaintiff failed to adequately establish the existence of a substantial and significant gap in wireless coverage.
13. Defendants deny the allegation. The Plaintiff failed to establish that 50 New Way Lane was the most appropriate location for the installation of a wireless telecommunications facility.
14. Defendants deny the allegation.
15. Defendants admit the allegation.
16. A response by the Defendants is not required.
17. Defendants admit the allegation.
18. Defendants admit the allegation.
19. Defendants deny the allegation.
20. Defendants admit the allegation.
21. Defendants admit the allegation.
22. Defendants deny the allegation.
23. Defendants deny the allegation.
24. Defendants deny the allegation.
25. Defendants deny the allegation.
26. Defendants deny the allegation.
27. A response by the Defendants is not required.
28. Defendants admit the allegation.
29. Defendants admit the allegation.
30. Defendants admit the allegation.

31. Defendants deny the allegation.
32. Defendants deny the allegation.
33. Defendants deny the allegation and request this Court to uphold the decision of the City Council in denying the Plaintiff's application for a Special Council Permit.
34. A response by the Defendants is not required.
35. Defendants admit the allegation.
36. Defendants deny the allegation.
37. Defendants deny the allegation.
38. Defendants deny the allegation.
39. Defendants deny the allegation.
40. A response by the Defendants is not required.
41. A response by the Defendants is not required.
42. Defendants admit the allegation.
43. Defendants deny the allegation.
44. Defendants deny the allegation.

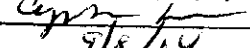
WHEREFORE, the Defendants, the City of Gloucester, City Council of the City of Gloucester and Vito J. Calomo, Joseph A. Ciolino, John Gus Foote, Dean W. Harrison, Abdullah A. Khambaty, Sefatia A. Romeo, Edward St. Peter, Jr., Alphonse J. Swekla and Jeffrey T. Worthington, in their capacities as members of the City Council, hereby ask this Court to uphold its decision to deny the Plaintiff's application for a Special Council Permit and grant such other relief as the Court deems meet and just.

Defendants,
by their attorney


Cynthia Dunn, BBO# 645774
Assistant General Counsel
Law Department, City Hall
9 Dale Avenue
Gloucester, MA 01930
(978) 281-9727

Dated: September 8, 2004

I hereby certify that a true copy of the
above document was served upon (each
party appearing pro se and) the attorney of
record for each other party by mail on


9/8/04